

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

114

CWP-23224-2018

Date of decision: 16.10.2018

Moti Lal

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Chanderhas Yadav, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 05.09.2017 (Annexure P-4), whereby application under Section 28-A of the Land Acquisition Act, 1894, has been dismissed on the ground of not being maintainable, as it was time-barred.

Section 28-A(3) reads as under:

“28A Re-determination of the amount of compensation on the basis of the award of the Court.

xxxx xxxx xxxx

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

From the perusal of the above, it would be clear that a person aggrieved against an award, under Sub-Section (2), by written application to the Collector, require that the matter be referred for determination of the Court and the provisions of Section 18 to 28 shall apply to such reference. The said exercise has not been got conducted by the petitioner and thus, there is an alternative efficacious remedy available to the petitioner.

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-2-

The Apex Court in **Union Bank of India Satyawati Tandon & others (2004) 4 SCC 311** has held that where there is an alternative remedy available, this Court is not to exercise its extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to avail his alternative remedy, as available to him under the law, before the Competent Court of jurisdiction.

Ordered accordingly.

16.10.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No